

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT Application of
Bern

Group Art Unit: 3709

U.S. App'n Ser. No.: 10/520,111

Examiner: Wert, Joshua P.

Filed: December 17, 2004

Att. Docket No.: 62642-P10008

For: A GAME CONSOLE IN AN ELECTRONIC CARD GAME SYSTEM, AN
ELECTRONIC GAME CARD TO BE RECEIVED THEREBY, AND AN
ELECTRONIC CARD GAME SYSTEM

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22 August 2007

RESPONSE TO FINAL OFFICE ACTION MAILED 27 JUNE 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action mailed 27 June 2007, reconsideration and allowance of the subject application are respectfully requested.

Claims 17-24 and 26 are pending in the application.

The rejection of claims 17, 18, 21-24 and 26 under 35 U.S.C. § 102(b) as being anticipated by U.S. published appl. No. 2001/0039212 (Sawano) is respectfully traversed. The claimed invention is not anticipated by Sawano for the reasons of record and for the following reasons.

The Examiner argues on page 4 of the Office Action that:

Applicant's argument with respect to claim 17-24 and 26 have been considered but are not persuasive because they are not in commensurate scope with the claims. While the argument is made for Sawano discloses source code being transferred and applicant's invention relates to source code being executed, the claim language of claims 17-24 and 26 recites merely a game console with 'a processor being configured for...' and does not recite the execution of any program, steps of code or any kind. Sawano discloses a game console with a process or that is configured for, and capable of, performing the steps recited in the claims presented. The examiner has taken in to consideration all of the applicants arguments but maintains claims 17-24 and 26 are rejected previously cited in Office Action mailed 4/4/07.

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